IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 4389 of 2007(V)

PETITIONER:

A.MUHAMMAD JAFFAR,
PARTNER, 'SAMAY MARKETING', TC 44/1754,
MUTTATHARA, VALLAKKADAVU P.O.,
THIRUVANANTHAPURAM-9.

BY ADV. SRI.DEVAPRASANTH.P.J.

RESPONDENT:

UNION BANK OF INDIA,
REPRESENTED BY THE AUTHORISED OFFICER,
REGIONAL OFFICE, THIRUVANANTHAPURAM.

BY ADV.SRI.A.S.P.KURUP.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 4389 OF 2007-V

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Dated this the 8th day of February, 2007.

JUDGMENT

Adv.Sri.A.S.P.Kurup takes notice for the respondent.

2. Heard.

3. Having heard the learned counsel for the petitioner and the learned counsel for the respondent, I do not find any ground to interfere with the impugned proceedings on its merits. However, the learned counsel for the petitioner ultimately confines his submission to a request that the petitioner may be permitted to pay off the outstandings and avert dispossession proceedings.

In the result, this writ petition is disposed of directing that if the petitioner remits at the rate of Rs.8 lakhs payable on

or before the 28th of February, 2007 and on or before the 29th of March, 2007 and pays the remaining portion on or before the 30th of April, 2007, the distress action will be kept in abeyance and once the entire dues are satisfied, that would be dropped. However, if there is any default in remitting the instalments as aforesaid, the benefit of this judgment will be recalled automatically and the respondent will be at liberty to forthwith take further action, without any further notice.

SD/-
THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

-TRUE COPY-

P.S.TO JUDGE.